

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF BARBARA) APPEAL NO. 07-A-2047
AND DAVID WAGNON from the decision of the) FINAL DECISION
Board of Equalization of Washington County for tax) AND ORDER
year 2007.)

RURAL RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 10, 2007, in Weiser, before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellant David Wagnon appeared. Assessor Georgia Plischke, Chief Deputy Assessor Brian Stender, and Prosecuting Attorney Charles Kroll appeared for Respondent Washington County. This appeal is taken from a decision of the Washington County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RP 12N05W950040.

The issue on appeal is the market value of a rural residential property, specifically the value attributable to the land.

The decision of the Washington County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$99,370, and the improvements' valuation is \$212,220, totaling \$311,590. Appellant requests the land value be reduced to \$63,252, and the improvements' value to remain at \$212,220, totaling \$275,472.

The subject property is a 7.31 acre rural residential parcel located in the Striker Ranch Subdivision, near Weiser. Included are 6.31 acres classified as "Rural Other" valued at \$36,370, which is comprised of 3.4 acres of "Irrigated Agricultural" land valued at \$4,471 and 2.91 acres classified "Rural Other" valued at \$31,899. The remaining one acre is designated "Rural Subdivided Land" and assessed for \$63,000. The residential improvements assessed for

\$212,200 are not under appeal.

Appellant did not provide sales, however, did present assessment information for properties located in subject's area. Appellant noted a high level of arsenic in subject's well and reasoned such a detriment supported a reduction in subject's value. Appellant also challenged the value added for subject's view and mentioned several other properties in the area with similar elevation to subject were assessed lower.

To arrive at the proposed value of subject's 2.91 acres classified "Rural Other", Appellant relied on the \$4,713 per acre assessed value of a lot located in subject's subdivision.

Regarding subject's 3.4 acres classified as "Irrigated Agricultural", Appellant cited assessments for two properties located on Mann Creek Road. The assessments showed the portion of the lots similarly classed were assessed for \$697 and \$805 per acre. Applying these figures, Appellant calculated the entire 6.31 acres should be valued at \$16,452.

In support of the proposed one-acre homesite value of \$46,800, Appellant relied on the assessed value of a property located across the valley at a higher elevation than subject. Appellant reasoned the higher elevation of the other homesites afforded a superior view than that enjoyed by subject, so lower assessments were not justified.

Respondent began by noting subject was located in a recorded rural subdivision, which is generally valued higher than other rural property. Respondent attributed the higher value to the fact that properties in recorded subdivisions already have utilities and the necessary permits to build a residence, and typically already have access roads.

Respondent testified sales were analyzed in subject's area to create land value tables that were applied to homesites in the area. It was noted the sales used to derive the land tables involved properties that were similar to subject in terms of acreage, grade, condition, and other

features. Respondent mentioned a 10% discount was applied to subject's land to account for the negative impact caused by the "rolling hill" features found on subject.

To value irrigated land, Respondent relied on a farm appraisal manual which is based on information gathered from different regions of the county and is updated annually. Complicated formulas that take into account income earned from crops, the type of irrigation used, and other such variables, were considered to arrive at subject's irrigated land value.

Subject's remaining "Other Rural" land was assessed at market value. Respondent presented sales in the area to support the assessed value.

Respondent also challenged Appellant's reliance on other assessments to support subject's proposed value. Respondent testified the properties Appellant cited were not similar and therefore, not reliable indicators of subject's value.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Appellant did not present sales to support subject's proposed valuation; instead assessments of nearby properties were relied upon to establish subject's value. Assessments can be useful to examine uniformity and equality, however, are not good indicators of market value as defined in Idaho Code § 63-201.

Appellants alleged subject was not assessed equally with other properties in the area, but did not sufficiently establish and support the argument. Respondent pointed out the properties referenced by Appellant were not similar to subject and should not be relied upon for

comparison.

Respondent presented sales to support subject's homesite value. Additionally, Respondent explained the method used to derive the assessments of subject's other property categories. Specifically, how the land value table was created and implemented, as well as, the annually updated farm appraisal manual utilized for subject's area.

"The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the evidence] that he is entitled to the relief claimed." Board of County Comm'rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

No error was shown in Respondent's methodology for assessing subject's various land categories. Respondent relied on sales to establish market value. While Appellants presented some interesting arguments, they were not sufficient to overcome the presumption of correctness concerning subject's assessed value. The Board finds subject's assessment was fair and will therefore affirm the decision of the Washington County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Washington County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED JANUARY 30, 2008